

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
 UNITED STATES OF AMERICA,

Plaintiff,

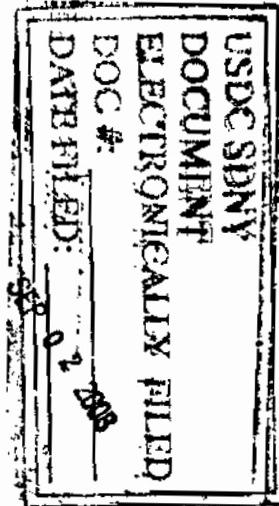
v.

JGB, L.L.C., d/b/a General Fire-Proof Door  
 Corporation, Proof Holdings, Ltd.

No. 08 Civ. 2216 (GBD)

CONSENT JUDGMENT

Defendant.



WHEREAS, the United States of America, by its attorney, Michael J. Garcia, United States Attorney for the Southern District of New York (the "United States"), filed a Complaint (the "Complaint") against JGB, L.L.C., d/b/a General Fire-Proof Door Corporation, Proof Holdings, Ltd., ("JGB") on March 5, 2008, to recover money on two delinquent debts owed by JGB to the United States stemming from JGB's repeated workplace safety violations of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651 *et seq.*, as noted and cited by the Occupational Safety and Health Administration ("OSHA"), during inspections of JGB's workplace between May and October 2004 (the "OSHA Debts");

WHEREAS, JGB was duly served with the Summons and Complaint on March 12, 2008;

WHEREAS, the Complaint by the United States demanded judgment against JGB in the total amount of \$96,594.23, for the OSHA Debts, inclusive of all applicable fees, penalties, and interests to date;

WHEREAS, JGB acknowledges that it owes the OSHA Debts to the United States;

WHEREAS, JGB and the United States (the "Parties") desire to reach resolution of the case without further litigation;

NOW, on the signed consent of the JGB and the United States, it is hereby ORDERED,  
 ADJUDGED and DECREED as follows:

1. The United States shall have judgment against JGB in the amount of \$96,594.23, plus costs in the amount of \$50.00, amounting to the sum of \$96,644.23, with interest from the date of judgment as provided by law, and that the United States shall have execution therefor.

2. Execution of this judgment shall be stayed as long as JGB abides by the following terms, conditions, and provisions of this judgment.

3. The United States agrees to accept a total amount of \$35,000.00 in full satisfaction of the aforementioned judgment, provided JGB complies with the payment schedule as set forth in paragraph 4 herein.

4. JGB shall pay the United States \$5,000.00 within forty-five days of the signing of this Consent Judgment. Thereafter, JGB shall pay the remaining \$30,000 within three years from the date of the signing of this Consent Judgment. Payments shall be made on a quarterly basis, in the amount of \$2,500.00, beginning on December 31, 2008, and continuing on March 30, 2009, June 30, 2009, September 30, 2009, December 31, 2009, March 30, 2010, June 30, 2010, September 30, 2010, December 31, 2010, March 30, 2011, June 30, 2011, and September 30, 2011.

5. JGB shall make the aforementioned payments by check or money order payable to the order of the United States Department of Justice and mailed or delivered to:

United States Attorney's Office  
Southern District of New York  
86 Chambers Street  
New York, New York 10007  
Attn: Financial Litigation Unit

or such other address as the United States may request.

6. JGB shall have the right to pre-pay the entire balance due without penalty and may tender payments in amounts greater than those stipulated in paragraph 4.

7. Should JGB fail to comply with the payment schedule stipulated in paragraphs 3 and 4 or should any check or draft presented by the defendant as payment in compliance with this judgment be returned for insufficient funds, the United States shall have the right, at its sole option and discretion, to declare the stay of execution of this judgment no longer in effect, and demand full payment of the judgment amount as set forth in paragraph 1.

8. Before declaring the defendant in default pursuant to paragraph 7 herein, and the stay of execution of this judgment no longer in effect, the United States shall first afford JGB notice of such default in writing and shall afford JGB ten (10) calendar days from the date of mailing to cure the default. Notice of default shall be mailed to JGB at the addresses provided below.

9. The United States shall be permitted to file this judgment in any and all counties in which JGB resides or owns any real or personal property, and that such filing shall be a lien on such property.

10. After JGB has made payment in full of the judgment balance or has complied with the payment schedule set forth in paragraphs 3 and 4, the United States shall file with the clerk of the court and deliver to JGB a satisfaction of judgment.

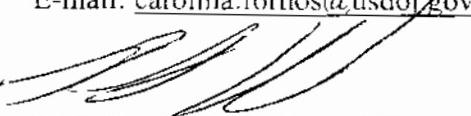
DATED: New York, New York  
August 27, 2008

MICHAEL J. GARCIA  
United States Attorney  
Southern District of New York  
Attorney for the United States of America

By:

  
CAROLINA A. FORNOS  
Assistant United States Attorney  
86 Chambers Street, 3<sup>rd</sup> Floor  
New York, New York 10007  
Telephone: (212) 637-2740  
Facsimile: (212) 637-2702  
E-mail: [carolina.fornos@usdoj.gov](mailto:carolina.fornos@usdoj.gov)

DATED: Bronx, New York  
August 25, 2008

  
RUBIN KUSZEL  
President of JGB, L.L.C.  
913 Edgewater Road  
Bronx, NY 10474

DATED: White Plains, New York  
August 25, 2008

  
CLIFFORD L. DAVIS, ESQ.  
202 Mamaroneck Avenue  
White Plains, New York 10601-5301  
Telephone: (914) 761-1003  
Facsimile: (914) 997-6529  
E-mail: [cdavis@clifforddavis.com](mailto:cdavis@clifforddavis.com)

SO ORDERED:

SEP 02 2008

  
HONORABLE GEORGE B. DANIELS  
**HON. GEORGE B. DANIELS**

United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

Date:

In Re:

-v-

Case #: ( )

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. No personal checks are accepted.

J. Michael McMahon, Clerk of Court

by: \_\_\_\_\_

, Deputy Clerk

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

-v-

X  
NOTICE OF APPEAL

civ. ( )  
X

Notice is hereby given that \_\_\_\_\_  
(party)  
hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(day) (month) (year)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_ ( ) \_\_\_\_\_  
(Telephone Number)

Note: You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 1

United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

X

MOTION FOR EXTENSION OF TIME  
TO FILE A NOTICE OF APPEAL

-V-

civ.

( )

X

Pursuant to Fed. R. App. P. 4(a)(5), \_\_\_\_\_ respectfully  
(party)  
requests leave to file the within notice of appeal out of time. \_\_\_\_\_  
(party)  
desires to appeal the judgment in this action entered on \_\_\_\_\_ but failed to file a  
(day)  
notice of appeal within the required number of days because:

[Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.]

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_

( ) \_\_\_\_\_ - \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 2

United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

X

-v-

NOTICE OF APPEAL  
AND  
MOTION FOR EXTENSION OF TIME

civ.

( )

X

1. Notice is hereby given that \_\_\_\_\_ hereby appeals to  
(party)  
the United States Court of Appeals for the Second Circuit from the judgment entered on \_\_\_\_\_  
[Give a description of the judgment]

2. In the event that this form was not received in the Clerk's office within the required time  
respectfully requests the court to grant an extension of time in  
(party)  
accordance with Fed. R. App. P. 4(a)(5).

a. In support of this request, \_\_\_\_\_ states that  
(party)  
this Court's judgment was received on \_\_\_\_\_ and that this form was mailed to the  
(date)  
court on \_\_\_\_\_  
(date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_ ( ) \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 3

United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

X

**AFFIRMATION OF SERVICE**

-V-

civ.

( )

X

I, \_\_\_\_\_, declare under penalty of perjury that I have served a copy of the attached \_\_\_\_\_

upon \_\_\_\_\_

whose address is: \_\_\_\_\_

Date: \_\_\_\_\_  
New York, New York

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

Date:

In Re:

-v-

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The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

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by: \_\_\_\_\_

, Deputy Clerk

APPEAL FORMS

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Revised: April 9, 2006

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civ. ( )  
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entered in this action on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(day) (month) (year)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_ ( ) \_\_\_\_\_  
(Telephone Number)

Note: You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 1

United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

X

MOTION FOR EXTENSION OF TIME  
TO FILE A NOTICE OF APPEAL

-V-

civ.

( )

X

Pursuant to Fed. R. App. P. 4(a)(5), \_\_\_\_\_ respectfully  
(party)  
requests leave to file the within notice of appeal out of time. \_\_\_\_\_  
(party)  
desires to appeal the judgment in this action entered on \_\_\_\_\_ but failed to file a  
(day)  
notice of appeal within the required number of days because:

[Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.]

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_

( ) \_\_\_\_\_ - \_\_\_\_\_  
(Telephone Number)

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APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 2

United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

X

-v-

**NOTICE OF APPEAL  
AND  
MOTION FOR EXTENSION OF TIME**

civ.

( )

X

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(party)  
the United States Court of Appeals for the Second Circuit from the judgment entered on \_\_\_\_\_  
[Give a description of the judgment]

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(party)  
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(date)  
court on \_\_\_\_\_  
(date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_ ( ) \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

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United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

X

**AFFIRMATION OF SERVICE**

-V-

civ.

( )

X

I, \_\_\_\_\_, declare under penalty of perjury that I have served a copy of the attached \_\_\_\_\_

upon \_\_\_\_\_

whose address is: \_\_\_\_\_

Date: \_\_\_\_\_  
New York, New York

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)